

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:

42243

Date filed:

10-19-2017

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 78	- 502
Changed to Admin. Code Ref. (R no.):	R	-	-

1. Agency: Commerce/Division of Occupational and Professional Licensing

Room no.:

Building:

Heber M. Wells Building

Street address 1:

160 East 300 South

Street address 2:

City, state, zip:

Salt Lake City UT 84111-2316

Mailing address 1:

PO Box 146741

Mailing address 2:

City, state, zip:

Salt Lake City UT 84114-6741

Contact person(s):

Name:

Phone:

Fax:

E-mail:

Jeff Busjahn

801-530-6789

801-530-6511

jbusjahn@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. Title of rule or section (catchline):

Unprofessional Conduct

3. Type of notice:

New ____; Amendment XXX; Repeal ____; Repeal and Reenact ____

4. Purpose of the rule or reason for the change:

This amendment is required to update a reference to the most current version of the Code of Professional Ethics for Rehabilitation Counselors. (DOPL NOTE: This proposed rule filing was completed by all review parties within the Division and Department of Commerce by October 4, 2017, which was well before the October 17, 2017 filing period, but the proposed filing was held at the request of the Division manager as he wanted to review the proposed amendment with the Vocational Rehabilitation Counselor Licensing Board at their October 18, 2017 meeting date. cwi)

5. This change is a response to comments from the Administrative Rules Review Committee.

No XXX; Yes ____

6. Summary of the rule or change:

Section R156-78-502(1)(a): This proposed amendment updates the reference to the most current version of the Code of Professional Ethics for Rehabilitation Counselors, which became effective January 1, 2017.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ☐; Yes ☒

There is no anticipated cost or savings to the Division from this proposed amendment. The updated reference is available online at no cost to the Division. The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No ☒; Yes ☐

There is no anticipated cost or savings to local government for the proposed amendment because it is only updating a reference to industry standards.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ☒ Yes ☐

The proposed amendment to Section R156-78-502 will have no fiscal impact on small business because it is only updating a reference to industry standards.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ☒; Yes ☐

The proposed amendment to Section R156-78-502 will have no fiscal impact on other persons because it is only updating a reference to industry standards. The updated reference is available online at no cost to other persons

8. Compliance costs for affected persons:

The proposed amendment to Section R156-78-502 will have no fiscal impact on other persons because it is only updating a reference to industry standards. The updated reference is available online at no cost to affected persons.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The sole amendment to the rule updates the reference to the most current version of the Code of Professional Ethics for Rehabilitation Counselors. The former version of the ethics code was dated 2010 and the new ethics code is dated 2017. No fiscal or non-fiscal impact results from this amendment.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):

Section 58-78-101

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)	Code of Professional Ethics for Rehabilitation Counselors	

Publisher Commission on Rehabilitation
Counselor Certification (CRCC)

Date Issued

Issue, or version January 1, 2017

ISBN Number (optional)

ISSN Number (optional)

Cost of Incorporated Reference -0-

Action: Adds, updates, or removes Updates

(If this rule incorporates more than two items by reference, please attach additional pages)

- 12 The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the *Utah State Bulletin*. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 12/15/2017

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):

At (hh:mm AM/PM):

At (place):

- 13 This rule change may become effective on (mm/dd/yyyy):** 12/22/2017

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

- 14 Indexing information -- keywords** (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency:

licensing

vocational rehabilitation counselor

- 15 Attach an RTF document containing the text of this rule change** R156-78.pro
(filename):

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

AGENCY AUTHORIZATION

**Agency head or
designee, and title:** Mark B. Steinagel, Director

Date 10/18/2017
(mm/dd/yyyy)

R156. Commerce, Occupational and Professional Licensing.

R156-78. Vocational Rehabilitation Counselors Licensing Act Rule.

R156-78-502. Unprofessional Conduct.

(1) "Unprofessional conduct" includes:

(a) violating any provision of the Code of Professional Ethics for Rehabilitation Counselors, published by the Commission on Rehabilitation Counselor Certification, effective January 1, ~~[2010]~~2017, which is hereby adopted and incorporated by reference;

(b) failing to report in writing to the Division unlawful or unprofessional conduct as defined in Section 58-78-501, 58-78-502 and this Section, by a person licensed under Title 58, Chapter 78 within ten days after learning of the conduct, if the conduct:

(i)(A) results in disciplinary action taken by the licensee's employer or a professional association; or

(B) results in a significant adverse impact on the public's health, safety or welfare; and

(ii) was not known by the licensee to have already been reported to the Division; and

(c) failing to provide general supervision as defined in Subsection R156-78-102(4).

KEY: licensing, vocational rehabilitation counselor

Date of Enactment or Last Substantive Amendment: ~~[January 7, 2016]~~2017

Notice of Continuation: August 14, 2014

Authorizing, and Implemented or Interpreted Law: 58-78-101; 58-1-106(1)(a); 58-1-202(1)(a)